

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 04 THE HAGUE 000774

SIPDIS

STATE FOR AC, AC/CB, NP/CBM, VC/CCB, L/ACV, IO/S
SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR CHUPA
WINPAC FOR LIEPMAN

E.O. 12958: DECL: 03/25/2014

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): - U.S./U.K.
CONSULTATIONS ON LIBYA WITH OPCW AND WESTERN GROUP
DELEGATIONS

Classified By: Amb. to the OPCW Eric M. Javits for reasons 1.5 (b) and (d).

This is CWC-41-04.

SUMMARY

1. (C) AC DAS Don Mahley and Patrick Lamb, Deputy head of the Counterproliferation Department of the U.K.'s FCO, met with senior OPCW officials and delegations from the Western Group on March 19 to discuss Libya. There was substantial interest in what procedure the U.S./U.K. supported to address Libya's request for conversion of the Rabta facility. Mahley and Lamb confirmed the issue is still under consideration. On the question of extending the deadlines for Libya to destroy 1%, 20% and 45% of its CW stocks, there was little controversy. However, Libya still needs to decide which destruction method it wishes to use, and may be aided in that process at an upcoming conference at Porton Down in the U.K. Mahley and Lamb noted that Libyan cooperation has been outstanding, and officials of the OPCW Technical Secretariat (TS) confirmed that they had also found the Libyans to be forthcoming and transparent. End Summary.

LIBYAN COOPERATION

2. (C) Mahley emphasized to Acting Director General Brian Hawtin that Libya is a success story. It appears Libya has provided full and correct chemical weapons information to the U.S./U.K. The only exception had been unfilled bombs, where the Libyans kept increasing the number of such munitions on hand, but the issue was now resolved. Lamb voiced full agreement with the points made by Mahley, adding that the initial indication is that the Libyan declaration to the OPCW appears to be essentially complete. He emphasized that U.S./U.K. coordination with the OPCW on Libya has been excellent, and as the U.S./U.K. continue to work with the Libyans, Washington and London will remain transparent with the OPCW.

3. (C) Hawtin expressed appreciation for the visit by Mahley and Lamb and concurred that Libyan cooperation has been excellent so far. He said the OPCW hoped the Libyan decision would have an impact on universality and convince other non-member states to join the Chemical Weapons Convention. The TS is still studying the Libyan declaration, noted Hawtin, but it was important to stress that Tripoli had said it would provide a supplemental filing on unfilled bombs or any other matter of concern. Hawtin stated that there had been good cooperation with Libyan officials in Tripoli and with the Libyan Ambassador in the Hague. He informed Mahley and Lamb about upcoming visits by Libyan officials, including one who would visit the OPCW lab to discuss destruction methodologies.

4. (C) Acting Inspectorate division chief Renato Carvalho said Libya has not expressed any concern about funding for destruction of its CW stocks, and echoed the point of excellent cooperation with Libya. They appear eager to resolve any disputes and answer any questions arising from their declaration, preferably in Tripoli, rather than in the Hague. As a result of such cooperation, noted Carvalho, there will be no surprises for the TS when, for example, the Libyans submit their list of equipment to be utilized as part of the inspection process.

5. (C) In the WEOG discussion, delegations raised a number of points on Libyan cooperation. Spain asked about statements from Qadhafi's son that the U.S./U.K. had made promises of compensation to Tripoli for abandoning its WMD programs. Mahley noted that Libya had indeed provided a long "wish list," but flatly told delegations that there are "no blank checks" to the Libyans. The FRG inquired about the fact that the Libyans had not declared any riot control

agents in its declaration. Lamb replied that Libya did indeed claim not to possess any such agents, and Mahley added that they assert that they have two chemicals that are used for training, but not in actual riot control.

16. (C) Australia asked more generally about the completeness of the Libyan declaration, and Lamb replied that the U.S./U.K. are satisfied with the document. He emphasized that the U.S./U.K. are not yet ready to "swear it is accurate," but stressed that the document does confirm what the U.S./U.K. have seen. Mahley added that if there is a problem with the declaration due to errors or lower-level officials not having fully implemented instructions from Tripoli, the Libyans have indicated they will amend their declaration.

CONVERSION OF RABTA FACILITY

17. (C) With TS officials and the WEOG, Mahley noted that there are two key issues, one of which is the Libyan desire to convert the Rabta facility for peaceful pharmaceutical production. Mahley informed Hawtin and the TS officials that the U.S./U.K. are comfortable with the Rabta engineering data concerning projected production uses. Lamb said that Italy has played an important role concerning Rabta, and feels a degree of "possession" on this issue, although it has admitted that it has little experience on facility conversion. Hawtin noted that DG Pfirter has worked hard to keep the Italians informed on Libyan developments. However, Verification Division chief Horst Reeps flatly told Mahley and Lamb that the Italians have not been forthcoming with the TS on their discussions with the Libyans.

SIPDIS

18. (C) During the WEOG discussion, as anticipated, Italy made a strong pitch on the need to find a pragmatic and flexible solution regarding Rabta conversion. Lamb told the delegations that the U.S./U.K. recognize the importance of the issue, and the precedent that it would set. And while one of the points made by Libya is that the converted facility would be producing beneficial medicines, Lamb noted that the CWC does not provide "humanitarian" exemptions or caveats. Mahley added that there is no question Libya is being transparent on the issue and has good intentions. However, it is important to avoid setting a bad precedent. The option of a "technical amendment" to allow Rabta conversion might be best, but, emphasized Mahley, the U.S. has not decided yet on the course it wishes to take.

19. (C) Switzerland asked about the impact the justification authorizing conversion would have on other late signatories to the Convention. Mahley replied that the U.S./U.K. were aware of such concerns, and commented that an additional protocol (suggested by one WEOG member as a possible action path), for example, would raise a lot of other legal and procedural complications. In the U.S., it would require Senate approval. And it was possible that the deliberation process on an additional protocol would not be limited to Rabta, but other unexpected issues could be thrown in as well. Lamb added that an additional protocol would be a lengthy process.

DESTRUCTION DEADLINES AND METHODOLOGY

110. (C) Mahley told the TS officials and the WEOG that the second issue that needs to be addressed is extension of the deadlines for Libya to destroy 1%, 20% and 45% of its CW stocks, as required under the Convention. He noted that it is not clear yet there will be a problem with Libya meeting the 100% destruction deadline by 2007. Mahley told Hawtin and the TS officials that the upcoming conference at Porton Down would give the Libyans information on destruction options, and the U.S./U.K. hope Libya makes a decision soon on destruction technology. Mahley stressed that Libya can pay for the destruction of its CW stocks itself, and the U.S. does not plan to compete with or impinge on OPCW responsibilities regarding inspection and monitoring.

111. (C) On destruction technology, Reeps commented that he did not have a clear recommendation for the Libyans. There was no/no consideration of the offer from a Polish company to destroy the Libyan stocks in Poland, or any other option to ship CW out of Libya. One possibility was using on-site holding containers to ship the mustard to a cement kiln in Libya for destruction. This appeared at the moment to be the fastest way to dispose of stocks, commented Reeps. Building an incinerator may not be cost-effective, and will certainly take time. Reeps added that elimination of precursors is another question that needs to be addressed. The salts to be eliminated could simply be made into cubes.

¶12. (C) But the bottom-line, emphasized Reeps, is that the TS wants U.S./U.K. views on destruction so the Libyans get

SIPDIS

one message. Mahley and Lamb voiced strong support for that goal, and Lamb invited the OPCW to send participants to the Porton Down conference. Mahley emphasized that Libya "does not have a deep bench" and there are only a few Libyan experts on the CW program. That small group needs to get a clear message from the U.S./U.K. and the TS. He then added that the key for the U.S. is verification of the destruction of the material. Carvalho added that Libyan officials had said that if possible, they would like to initiate destruction of stocks in December 2004-January 2005.

LIBYAN STOCKS

¶13. (C) Mahley noted to the TS that he had phoned DG Pfirter and informed him that TS personnel had to be sure to protect themselves from the possibility of leakage from stored Libyan CW. Protective gear would be critical, and the prospect of out-gassing in the summer was particularly great. Chief of Staff Rafael Grossi noted that the OPCW had acted expeditiously to destroy the Libyan unfilled bombs, with the DG taking action and then notifying the Executive Council of the destruction. Such a step could theoretically be questioned by member states as an unauthorized action by the DG.

¶14. (C) Lamb expressed the view that the most difficult part of the process may have been completed with the removal of as much WMD material from Libya as possible. While the U.S./U.K. were aware of IAEA and OPCW concerns about process, the goal was to get the sensitive material out of Libya. Lamb said the U.K. would be talking with the Indian and other delegations to ensure they do not feel snubbed by being informed after-the-fact about actions that were taken. The U.K. message will be that Libya is an excellent example which non-member states should be encouraged to emulate.

¶15. (C) In the WEOG discussion, the Australian delegation asked about possible Libyan stocks of biological weapons. Mahley replied that Libya informed the U.S./U.K. it had "thought briefly" about a BW program, but claims to have not proceeded down that path. Mahley stressed that Libya has been "less forthcoming" on the BW side, but there have been no pathogens found yet in Libya. And there is no sign yet of any BW-related infrastructure or current capability. In addition, commented Mahley, it appears Libyan claims to send medical diagnostic requests to Tunisia have been borne out. And it seems Libya does import all its vaccines and has no indigenous production. So for the moment, there is no indication of a BW program.

PUBLICITY SHY

¶16. (C) Lamb told Hawtin and the TS that the Libyans have emphasized that there would be 1) no publicity, and 2) no message that Libyan WMD materials went to the U.S./U.K. He said that as Libya is coming under pressure from the Arab world, there is appreciation for the Libyan requests. Hawtin said he understood the reasons that Libya is publicity-shy, adding that the TS experience is that it cannot rush the Libyans, even though the presence of the Libyan Ambassador at the March 23-26 Executive Council session would be a good opportunity for the OPCW to highlight the Libyan decision. Grossi added that the Libyans have said they will not object to what the OPCW may want to do on publicity, but have made clear they simply will not be a part of it.

¶17. (C) Mahley recommended that DG Pfirter should have a dialogue with senior Libyan officials. Libya has been far more open to IAEA publicity than U.S./U.K. publicity, which is understandable due to the views expressed by Arab states. But the OPCW, like the IAEA, may have more latitude for publicizing what Libya has done. Grossi replied that Libyan officials had told Pfirter that Libya wants the OPCW to have "a front seat," particularly on public relations. Reeps provided the caveat that the OPCW requirement is for approval from the host country with regard to any film footage of destruction activity or any other type of publicity on OPCW-related activities.

¶18. (U) AC DAS Mahley has cleared this message.

¶19. (U) Javits sends.
SOBEL